

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	4.1.05
PROCEDURES MANUAL		ISSUE DATE	
SUBJECT	AML Contract Provisions Ground Control Plan	Section	Reclamation Services & AML
		Last Revised	April 27, 2006

OBJECTIVE AND INTENT:

To ensure ground control plan provisions are included in AML construction project contracts, so as to provide safety to the public located below construction areas, roadways, and in other areas of the operation where persons congregate, work, or travel.

PROCEDURES:

The DMLR must ensure the ground control provisions will be incorporated into the contract between the contractor and the DMLR. In addition, DMLR has the authority and will require compliance with any additional provision deemed necessary to protect the public from potential safety hazards when conducting construction activities within red zones¹.

The AML Contracting Coordinator, design engineer and Field Inspector will jointly evaluate the on-the-ground conditions and the nature of anticipated work to preliminarily identify the potential red zone areas of the project and incorporate the general ground control provisions into the particular AML contract.

In the event coal may be removed under the AML project, the proposed ground control plan (and any significant modifications thereof) shall be forwarded to the DM Chief for evaluation and comment.

In addition to reviewing the construction specifications of the AML project at the pre-bid showing, the DMLR representatives will also go over the initial ground control plan with the prospective contractors. The contractor selected for the project may accept the DMLR ground control plan or submit another for DMLR review and approval (with DM evaluation/comment). Any approved changes in the project’s ground control plan will be incorporated into the AML contract prior to the parties signing the contract.

The AML project contract will note that any modification of the ground control plan must be submitted and approved by DMLR prior to initially disturbing the subject area. (If the area has already been disturbed, the Field Inspector will issue an order to the contractor to cease additional disturbance in the area, if necessary, until such time as the ground control plan is revised and approved.)

As with the other terms of the AML contract, the ground control plan provisions will be binding conditions and obligations on the contractor. The ground control plan may be modified by agreement of the parties.

The **ground control plan** will include such general requirements (but not be limited to) that -

- Red zones be shown on the construction plans and/or drawings.

¹ “Red Zones” are areas where construction activities are or will be conducted that may present a potential threat or hazard to the public safety.

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- Berms, fencing, or other barrier protection be used to contain materials located upslope from red zones. In areas where these structures cannot be used or are not practical, spotters will be utilized to control work such that all material is prevented from rolling, slipping, or sliding down slope. **No work will be performed upslope from red zones without these precautions in place and employed.**
- Residents or occupants of buildings located below the project site be notified when ground disturbing activities will occur near them and what protective actions will be taken to ensure their safety.
- The contractor be responsible and accountable for the implementation of the approved ground control plan; for ensuring work in red zone area(s) is conducted in a safe manner using proper equipment; that employees be familiar with the ground control plan and project map, red zone areas, perimeter boundaries of the project; location of gas wells/pipelines, utility² lines, or other structures which may be impacted by the construction activities; and that “Miss Utility of Virginia”³ be called, where applicable, at 1-800-552-7001.
- In the event of an injury or fatality (from the project’s activities), proper notification shall be immediately made to DMLR and, as applicable, to the appropriate office⁴ of the Virginia Department of Labor and Industry - Occupational Safety and Health Compliance (OSHA), the Mine Safety and Health Administration (MSHA), and/or the State Fire Marshall.
- A map or maps be included in the AML construction plans locating residences, businesses, public buildings, and roads (public and private) that may be affected by the AML construction activities. The map(s) must also show the location of gas wells, gas lines, and other potentially affected features.
- Describe the protective measures relative to how gas facilities (wells, lines, and associated structures) will be protected during construction activities.

Field Inspector -

The Field Inspector –

- May require the contractor to modify the plan for DMLR approval, if during construction, additional red zone areas become apparent to the Inspector.

² Gas, water, electricity, telephone, sewage or other associated structures.

³ The Miss Utility Law (Virginia Underground Utility Damage Prevention Act) requires that Miss Utility be called at least 3 working days in advance of the planned work (also see website <http://www.missutilityofvirginia.com/contactMissUtility.htm>)

⁴ The appropriate contact person or office for VA DOLI OSHA or MSHA should be included as an addendum to the AML contract.

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- Must check to ensure that the applicable ground control contract provisions have been reviewed with all employees and that the employees are aware of any red zones located within the project area immediately prior to starting work in red zones.
- Will inspect to ensure that warning signs, flagging, or other no less effective means are present and used to mark work areas that are designated red zones. The method used to mark these work areas will be distinctively different from other warnings and markings utilized at the construction site.